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patent application

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Examiner: **Kwang B. Yao**

TITLE: **VEHICLE ACTIVE NETWORK WITH RESERVED PORTION**

Certificate of Mailing

Date of deposit: September 29, 2003

I hereby certify that this paper is being deposited with the United States Postal Service on the date indicated above, as first-class mail, with sufficient postage attached thereto, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C.

Signature of Person Mailing Paper

V. Lynn Webb
Printed Name of Person Mailing Paper

AFFIDAVIT PURSUANT TO 37 C.F.R. §1.132

Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Assistant Commissioner:

STATE OF ILLINOIS)
:
COUNTY OF COOK)

I, Juergen Reinold, being duly sworn, depose and say as follows:

I received a Vordiplom in Informatik (analogous to Bachelor of Science Degree in Computer Science) from the Rheinisch-Westfählische Technische Hochschule (RWTH)

Aachen in Germany in 1985 and the Informatik Diplom (analogous to Master of Science Degree in Computer Science) the Rheinisch-Westfählische Technische Hochschule (RWTH) Aachen in Germany in 1989.

I have been employed by Motorola, Inc. since 1989 where I have served in various management and technical capacities. I spent most of my technical work at the Motorola Computer Group, both in Düsseldorf/Germany and in Tempe/Arizona. I have developed system software, performed system and performance analysis on complex computing and communication systems, and created the architecture for the StarMax Pro 6000 desktop computer, "The Fastest Personal Computer On Earth" according to MacWeek Magazine in August 1997. I led a team of engineers as the Chief Architect on a development effort in Motorola geared towards the next generation systems architecture for automotive electronic systems. I have published several papers and given key note speeches on computer system performance and architecture issues. Additionally, I have inventively contributed to more than thirty filed or issued US patents for Motorola.

I, Juergen Reinold, am an inventor of the above referenced patent application and have reviewed U.S. Patent No. 5,499,247 (hereinafter '247) and U.S. Patent No. 5,940,372 (hereinafter '372) and state the following:

The present invention teaches a vehicle comprising an active network. Neither '247 nor '372 discloses or suggests a vehicle comprising an active network. Moreover, even if the subject matter of '247 were combined with that of '372, this would not lead anyone to develop the invention. For example, '247 in combination with '372 does not teach all of the claimed features namely, a vehicle comprising an active network. See, for example, independent claims **1, 11** and **18** of the application.

As is known in the art, traditional data networks (passive networks) passively transport messages from one end node to another. Such passive networks are only aware of the destination of messages passing through the nodes and are specifically designed to deliver exactly one unmodified copy of the message to its ultimate destination. The passive network is insensitive to the messages it carries and the messages are transferred between nodes without modification. This is exclusively the type of network taught in '247 and '372.

As understood by those skilled in the art of computing and networking, an active network is a network in which the nodes can perform custom operations on the messages that pass through the nodes. An active network does not require a central server or computing resource. Active network nodes are aware of the contents of the messages transported and can participate in the processing and modification of the messages while they travel through the network.

'247 teaches an in-car network that uses a multiplex transmission system utilizing a non-destructive arbitration type access system (column 3, lines 51-54). The multiplex transmission system collects data simultaneously from a plurality of multiplex nodes and performs error checking on the collected data (column 2, lines 28-34). The multiplex bus taught in '247 does not include an active network as described above. The multiplex nodes in '247 cannot perform custom operations on messages passing through them. In addition nodes in '247 are not aware of, and cannot participate in the processing or modification of, the contents of messages passing through them. Therefore, nowhere does '247 teach or suggest an active network as understood by those skilled in the art.

'372 teaches a method of determining a route between an origin node and a destination node for transmission of packets without bandwidth reservation that includes a weighting algorithm for the various links of the network (column 6, lines 22-46). The network disclosed in '372 is a passive network, not an active network. The links in '372 cannot perform custom operations on messages passing through them. In addition nodes in '372 are not aware of, and cannot participate in the processing or modification of, the contents of messages passing through them. Therefore, nowhere does '372 teach or suggest an active network as understood by those skilled in the art.

Both '247 and '372 fail to teach a vehicle comprising an active network. Consequently, even if '247 were combined with '372 or any other reference of record, such a combination would not lead to the practice of the invention. See, for example, independent Claims **1, 11** and **18** of the application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. I further

declare that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful and false statements may jeopardize the validity of the subject patent application or any patent issued thereon.

I further declare that I have received no special compensation or consideration for making this affidavit, nor have I been in any way told, either directly or by implication or inference, by anyone that my employment by Motorola, Inc. or my professional advancement or other matters of personal or professional interest to me depend in any way on whether or not I make this affidavit or the content thereof. I further declare that I make this affidavit of my own free will and choice without any duress or influence of any kind, believing fully in the truth of the statements made by myself herein.

Juergen Reinold

I, DAWN HEBEIN, a Notary Public in and for the County and State aforesaid, do hereby certify that Juergen Reinold, whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and Notary Seal this 24 day of September, 2003.

Dawn M Hebein

My commission expires on 9-28-05

SEAL

OFFICIAL SEAL
DAWN M HEBEIN
Notary Public - State of Illinois
My Commission Expires Sep 28, 2005